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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Danishefsky *et al.*

Serial No.: not yet assigned

Filed: January 28, 2001

For: *Synthesis of Epothilones, Intermediates Thereto, Analogues and Uses Thereof*

Examiner: T. Solola

Group Art Unit: 1626

BOX PATENT APPLICATION

ASSISTANT COMMISSIONER FOR PATENTS

WASHINGTON, DC 20231

EXPRESS MAIL NO.: EL603009420US

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants request consideration of this Supplemental Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

[X] This Supplemental Information Disclosure Statement has been filed:

1. ☒ within three months of the filing date of the above identified U.S. Patent application other than a continued prosecution application under § 1.53(d);
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application;
3. ☐ before the mailing date of the first Office Action on the merits in the above-identified application; or
4. ☐ before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

No fee or certification is required.

PART II - 37 CFR § 1.98 Content of Supplemental Information Disclosure Statement:

[X] Applicants hereby make of record in the above-identified application all patents, publications, applications or other information submitted for consideration by the Office listed on the attached form PTO-1449 (modified). The order of presentation of the patents, publications, applications or other information should not be construed as an indication of the importance.

PART III: Remarks:

A copy of each of the above-identified U.S. and foreign patent(s), publication(s), application(s) or other information submitted is enclosed unless otherwise indicated.

Please note that copies of each of the cited references have been provided in pending parent application number 09/874,514 (and the present application claims priority under 35 U.S.C. § 120 to 09/874,514) and thus copies of the cited references, patents and applications have not been provided herewith.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s), publication(s), application(s), or other information be printed on any patent which issues from this application.

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited materials. An early and favorable action is hereby requested.

Respectfully submitted,

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